



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,573	08/24/2001	Reinhold Kroeger	Q65540	8857

7590 10/18/2005

Sughrue
SUGHRUE MION ZINN
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213

EXAMINER


CHANG, RICHARD

ART UNIT PAPER NUMBER

2663

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/935,573	Applicant(s) KROEGER ET AL. 	
	Examiner Richard Chang	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
 4a) Of the above claim(s) 1, 2 and 7 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 3-6, 8-10 and 12 is/are rejected.
 7) ☒ Claim(s) 11 and 13 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 08/24/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments and amendments with respect to claims 1-13, filed on 07/28/2005, have been fully considered but are moot in view of the new ground(s) of rejection.

Claims 1-2 and 7 had been canceled. Claims 8-13 are new.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3-6, 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,041,358 ("Huang et al.") in view of US patent 6,111,888 ("Green et al.").

Regarding Claims 3 and 8, Huang et al. teach a method and system for a plurality of nodes operable to communicate with each other by maintaining virtual local area networks (VLAN, transmitting Ethernet type frames), comprising of

an Internet Protocol identifier operable to determine a transmission protocol from a header portion of said Ethernet frames (See Col. 2, line 65 to Col. 3, line 14), and

a server (LES) operable to assign a pair of Virtual Channel identifier(VCI as object identifiers) to a pair of said nodes and facilitate communication between said nodes using the Ethernet frames (See Col. 2, lines 3-31),

said server further operable to manage a finite number of the identifier(VCI as object identifiers) in membership tracking databases (See Col. 5, line 61 to Col. 6, line 13), wherein the transmission protocol is a Virtual LAN protocol and not a standard Ethernet protocol (See Col. 5, lines 40-44).

Huang et al. teaches substantially all the claimed invention but did not disclose expressly the particular application involving limitations of

"the transmission protocol conforms to the CAN (ISO 11898) protocol".

Green et al. teach a deterministic serial bus communication system compliant utilizing Ethernet frame for transmission compliant with the CAN (ISO 11898) protocol (See Fig. 1, Col. 5, lines 33-51).

A person of ordinary skill in the art would have been motivated to employ Green et al. in Huang et al. in order to obtain a method for transmitting Ethernet frames and to take advantage of the CAN (ISO 11898) protocol well known in the art in claim 3.

The suggestion/motivation to do so would have been to take advantage of the CAN (ISO 11898) protocol well known in the art, as suggested by Green et al. in Col. 5, lines 33-51. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Green et al. with the Huang et al. to obtain the inventions specified in claims 3 and 8.

Regarding claim 4 and 10, these claims have limitations that is similar to those of claims 3 and 8, thus it is rejected with the same rationale applied against claims 3 and 8 above.

Regarding claim 5, this claim has limitations that is similar to those of claims 3, thus it is rejected with the same rationale applied against claim 3 above.

Regarding claim 6, Huang et al. further teach that this is a virtual local area networks, inherently the node transmitting control messages to one or more subscriber nodes, for which each of a plurality of stations is continuously receive-ready (See Col. 5, lines 40-59).

Regarding claim 9, this claim has limitations that is similar to those of claims 8, thus it is rejected with the same rationale applied against claim 8 above.

Regarding claim 12, this claim has limitations that is similar to those of claims 8, thus it is rejected with the same rationale applied against claim 8 above.

Allowable Subject Matter

4. Claims 11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

Reason for indicating Allowable Subject Matter

5. The following is an examiner's statement of reasons for allowance:

The prior art along or in combination fails to teach or make obvious the limitations that specifically comprises:

Art Unit: 2663

"the central entity (CAN object Identifier Server) uses a code for which each of a plurality of stations is continuously receive-ready, transmitting control messages to at least one subscriber node" as recited in the dependent claim 11 and 13.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RIC
rkc

Richard Chang
Patent Examiner
Art Unit 2663


10/17/05
DERRICK FERRIS
PATENT EXAMINER